



General Assembly

Amendment

February Session, 2008

LCO No. 5591

HB0513805591HDO

Offered by:

REP. ROY, 119th Dist.

REP. SCHOFIELD, 16th Dist.

REP. BYE, 19th Dist.

To: Subst. House Bill No. **5138**

File No. 721

Cal. No. 249

"AN ACT CONCERNING MUNICIPAL AND STATE RECYCLING."

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- 1 Strike line 5 in its entirety and substitute the following in lieu
 - 2 thereof: "sustainability plan for such state building, facility or park."
 - 3 In line 8, after "biodegradable" insert "cleaning"
 - 4 In line 14, after "owned" insert "or leased"
 - 5 In line 31, strike "November" and insert "February" in lieu thereof
 - 6 In line 32, strike "2009, or one year" and insert "2010, or eighteen
 - 7 months" in lieu thereof
 - 8 In line 41, strike "said" and insert "such" in lieu thereof
 - 9 In line 50, strike "said" and insert "such" in lieu thereof
 - 10 In line 60, strike "January" and insert "May" in lieu thereof

11 Strike line 86 in its entirety, and substitute the following in lieu
12 thereof: "terminate on February 1, 2010, or eighteen months after the
13 disbursement of"

14 In line 117, strike "January" and insert "May" in lieu thereof

15 In line 152, strike "February" and insert "June" in lieu thereof

16 In line 159, strike "Said" and insert "Such" in lieu thereof

17 After the last section, add the following and renumber sections and
18 internal references accordingly:

19 "Sec. 501. (NEW) (*Effective October 1, 2008*) The Commissioner of
20 Environmental Protection shall develop a public education program to
21 encourage state residents to use biodegradable products and
22 environmentally safe alternatives to plastic bags or packaging and to
23 recycle.

24 Sec. 502. (NEW) (*Effective October 1, 2008*) (a) Each municipality shall
25 offer curbside recycling to all residents and businesses for which such
26 municipality provides municipal curbside collection of solid waste.

27 (b) Each trash hauler that offers curbside collection of solid waste
28 generated by residential, business, commercial or other establishments
29 in a municipality shall offer curbside recycling to each of such trash
30 hauler's customers at no additional charge above the trash hauler's
31 charge for solid waste collection. The provisions of this subsection
32 shall not be construed to prohibit any trash hauler from determining
33 and adjusting its fees for combined curbside collection services.

34 (c) For the purposes of this section, "curbside recycling" means the
35 collection, by either municipal or private recycling vehicles, of
36 presorted recyclable materials left for such collection by residents and
37 businesses in the front of the property of such residents and
38 businesses, "recyclable materials" means glass, plastic, paper, cans,
39 newspapers, magazines and cardboard, and excludes bulk items such
40 as furniture, demolition waste or trees, and "collector" shall have the

41 same meaning as in subsection (g) of section 22a-220a of the general
42 statutes.

43 Sec. 503. (NEW) (*Effective October 1, 2008*) (a) Each public place shall
44 provide recycling receptacles at the same location as trash receptacles
45 that are accessible to the public. For the purpose of this section, "public
46 place" means any privately owned area or building, or portion thereof,
47 that is open to the public during normal business hours, including, but
48 not limited to, any (1) building that provides facilities or shelter for
49 public assembly, (2) inn, hotel, motel, sports arena, supermarket,
50 transportation terminal, retail store, restaurant or other commercial
51 establishment that provides services or retails merchandise, and (3)
52 museum, hospital, auditorium, movie theater and university building.
53 "Public place" does not include any building owned or leased by the
54 state or any political subdivision thereof.

55 (b) The Commissioner of Environmental Protection shall adopt
56 regulations, in accordance with the provisions of chapter 54 of the
57 general statutes, to implement the provisions of this section.

58 (c) Any person who violates this section may be subject to a civil
59 penalty of not more than one thousand dollars for each offense. Each
60 violation of this section shall be a separate and distinct offense, and, in
61 case of a continuing violation, each day's continuance thereof shall be
62 deemed to be a separate and distinct offense. The Attorney General,
63 upon the request of the Commissioner of Environmental Protection,
64 shall bring an action in superior court for the judicial district of
65 Hartford to recover such penalty.

66 Sec. 504. Section 26-6 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2008*):

68 (a) Conservation officers, special conservation officers and
69 patrolmen appointed by the commissioner under authority of section
70 26-5, shall enforce the provisions of title 23 and this title and chapters
71 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
72 titles and chapters and sections 15-180, 22a-250, sections 1, 502, 503 and

73 505 of this act, 6-192c to 26-192h, inclusive, 29-28 of the 2008
74 supplement to the general statutes, 29-35, 29-38, 53-134, 53-190, 53-191,
75 53-194, 53-203, 53-204, 53-205, 53a-59 to 53a-64, inclusive, 53a-100 to
76 53a-117a, inclusive, subsection (b) of section 53a-119b, 53a-122 to 53a-
77 125, inclusive, 53a-130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-
78 149, inclusive, 53a-157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181
79 to 53a-183a, inclusive, 54-33d and 54-33e.

80 (b) Conservation officers, special conservation officers and
81 patrolmen may, without warrant, arrest any person for any violation of
82 any of the provisions set forth in subsection (a) of this section, and any
83 full-time conservation officer shall, in the performance of his duties in
84 any part of the state, have the same powers to enforce such laws as do
85 policemen or constables in their respective jurisdictions. Any full-time
86 conservation officer shall, incident to a lawful arrest while enforcing
87 such laws in the performance of his duties in any part of the state, have
88 the same powers with respect to criminal matters and the enforcement
89 of the law relating thereto as policemen or constables have in their
90 respective jurisdictions.

91 (c) Any conservation officer, special conservation officer or
92 patrolman may, anywhere within the boundaries of the state, examine
93 the contents of any boat, ship, automobile or other vehicle, box, locker,
94 basket, creel, crate, game bag or game coat or other package in which
95 he has probable cause to believe that any fish, crustacean, bird or
96 quadruped is being kept, in violation of any said statutory provisions
97 or any regulation issued by the commissioner, or any regulation issued
98 by the United States Fish and Wildlife Service as provided by section
99 26-91, and to ascertain whether any provision of any law or any
100 regulation for the protection of any fish, crustacean, bird or quadruped
101 has been or is being violated, and, shall have the same authority as
102 police officers to obtain and execute search warrants as provided for in
103 sections 54-33a, 54-33b and 54-33c.

104 (d) Any conservation officer, special conservation officer or
105 patrolman [.] may be appointed a special policeman under the

106 provisions of section 29-18.

107 (e) The Commissioner of Environmental Protection is authorized to
108 assign one or more conservation officers to patrol and inspect the
109 buildings, lands and waters owned by The White Memorial
110 Foundation, Incorporated, located in the towns of Litchfield and
111 Morris and, in addition to their powers as conservation officers, such
112 officers may be appointed special policemen under the provisions of
113 section 29-18.

114 (f) Each conservation officer, special conservation officer or
115 patrolman shall be sworn to the faithful performance of his duties.

116 Sec. 505. (NEW) (*Effective October 1, 2008*) (a) No cleaning or
117 janitorial service employer shall combine segregated items required to
118 be recycled pursuant to subsection (a) of section 22a-241b of the
119 general statutes with nonrecyclable solid waste.

120 (b) Any employer that violates subsection (a) of this section shall be
121 subject to a civil penalty of five hundred dollars for each offense. Each
122 violation of said subsection shall be a separate and distinct offense,
123 and, in case of a continuing violation, each day's continuance thereof
124 shall be deemed to be a separate and distinct offense. The Attorney
125 General, upon the request of the Commissioner of Environmental
126 Protection, shall bring an action in superior court for the judicial
127 district of Hartford to recover such penalty. For the purposes of this
128 section, "employer" means one or more individuals, partnerships,
129 associations or corporations or other entity which employs persons.

130 Sec. 506. Section 22a-241b of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2008*):

132 (a) (1) On or before February 1, 1988, the Commissioner of
133 Environmental Protection shall adopt regulations in accordance with
134 the provisions of chapter 54 designating items that are required to be
135 recycled. The commissioner may designate other items as suitable for
136 recycling and amend said regulations accordingly. (2) On or before

137 February 1, 2009, the Commissioner of Environmental Protection shall
138 amend the regulations adopted under subdivision (1) of this
139 subsection to require items made of polyethylene terephthalate plastic
140 and high density polyethylene plastic to be recycled.

141 (b) Any item designated for recycling pursuant to subsection (a) of
142 this section shall be recycled by a municipality within three months of
143 the establishment of service to such municipality by a regional
144 processing center or local processing system.

145 (c) On and after January 1, 1991, (1) each person who generates solid
146 waste from residential property shall, in accordance with subsection (f)
147 of section 22a-220, separate from other solid waste the items
148 designated for recycling pursuant to subdivision (1) of subsection (a)
149 of this section, and (2) every other person who generates solid waste
150 shall, in accordance with subsection (f) of section 22a-220, make
151 provision for the separation from other solid waste of the items
152 designated for recycling pursuant to subdivision (1) of subsection (a)
153 of this section. On and after January 1, 2010, the provisions of this
154 subsection shall also apply to items designated for recycling pursuant
155 to subdivision (2) of subsection (a) of this section."